Testimony of Amjad Mahmood Khan, Esq.

Mr. Chairman and Members of the Subcommittee:

Thank you for inviting me to testify today on the subject of “Protecting Religious Freedom: U.S. Efforts to Hold Accountable Countries of Particular Concern.”

I am a Muslim-American attorney residing in Los Angeles. In my private practice, I litigate complex business and commercial matters for an international law firm. In my pro bono practice, I represent refugees escaping persecution. I have studied international and human rights law at Harvard Law School (where I graduated in 2004) and have written about the global persecution of the Ahmadiyya Muslim Community and surrounding issues for prominent legal journals and national newspapers. I have testified before the Tom Lantos Human Rights Commission and the House Committee on Oversight and Government Reform about the global persecution of the Ahmadiyya Muslim Community and the vital importance of the International Religious Freedom Act of 1998. I also volunteer as the National Director of Public Affairs for the Ahmadiyya Muslim Community USA and provide my testimony today in that capacity.

I have divided my testimony into two main areas: first, I will discuss several recent disturbing developments in the ongoing persecution of Ahmadi Muslims in Pakistan, a country of particular concern to our Community; and second, I will explain how the International Religious Freedom Act of 1998, and specifically the U.S. Commission on International Religious Freedom, has benefitted our Community.

I. INTRODUCTION TO AHMADIYYA MUSLIM COMMUNITY

Before I delve into these two areas, allow me to briefly introduce our Community.

Founded in 1889, the Ahmadiyya Muslim Community is a revivalist movement within Islam. Ahmadi Muslims believe in the Kalima (the principal creed of a Muslim) and espouse the motto of “Love for all, hatred for none.” As a central tenet of its faith, the Community rejects terrorism for any and all reasons. When
violent extremists label their acts of terrorism as ‘jihad,’ they do so wrongly, and it is the Ahmadiyya Muslim Community that is usually first and most forceful in its denunciation, focusing on both conveying true Islamic teachings to Muslims around the world as well as removing misconceptions of ‘jihad’ and Islam generally in the West. Today, our Community is established in more than 200 countries, and its tens of millions of adherents all follow the only spiritual caliph in the Muslim world, His Holiness Mirza Masroor Ahmad, who resides in London. The Community is the largest organized Muslim community with a single leader in the world.

The Ahmadiyya Muslim Community is arguably the most persecuted Muslim community in the world. The U.S. State Department, the U.S. Commission on International Religious Freedom and dozens of human rights non-governmental organizations have documented the systematic persecution endured by our Community at the hands of religious extremists and state and quasi state institutions in numerous countries around the world, including Pakistan, India, Bangladesh, Kazakhstan, Kyrgyzstan, Indonesia, Saudi Arabia, Egypt, Libya and Syria.

I. PAKISTAN

Today, I limit my focus to Pakistan, which has become a particularly disturbing long-term case study in religious intolerance.

A. Background and Legal Framework

While precise counts are difficult to establish, some researchers estimate that several million Ahmadi Muslims currently live in Pakistan. Ahmadi Muslims profess to be Muslims, but their belief is irrelevant under the law. This is because Pakistan is the only Islamic state in the world to define who is or is not a Muslim in its Constitution (Article 260). The Second Amendment to Pakistan’s Constitution, passed in 1974, amends Article 260 to say:

“A person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad, the last of the Prophets or claims to be a Prophet, in any sense of the word or of any description whatsoever, after Muhammad, or recognizes such a claimant as a Prophet or religious reformer, is not a Muslim for the purposes of the Constitution or law.”

This amendment explicitly deprives members of the Ahmadiyya Muslim Community of their right to self-identify as Muslims.

As has been well-chronicled by the International Community, since 1984, Pakistan
has used its Criminal Code to prohibit and punish blasphemy. Blasphemy in Pakistan broadly refers to any spoken or written representation that “directly or indirectly” outrages the religious sentiments of Muslims. Five of Pakistan’s current penal code provisions punish blasphemy. These are collectively referred to as the “anti-blasphemy” laws.

Over the course of 30 years, several thousand individuals have been arrested under these laws. These individuals were Muslims (Sunnis, Shias and Ahmadis), Christians and Hindus. Their crimes ranged from wearing an Islamic slogan on a t-shirt to planning to build a Mosque to distributing Islamic literature in a public square to offering prayers in a Mosque to printing a wedding invitation card with Quranic verses to sending a text message perceived as critical of Islam. Their punishments ranged from fines to indefinite detention to life imprisonment to the death sentence. Although no one to date in Pakistan has been executed for blasphemy, at least 32 individuals have been killed by mobs after having been arrested for blasphemy.

The most notorious of Pakistan’s anti-blasphemy laws is a 50-word Penal Code Ordinance (called Section 295-C):

“Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.”

Based on this remarkably broad language, virtually anyone can register a blasphemy case against anyone else in Pakistan, and the accused can face capital punishment. Thus, Pakistan’s anti-blasphemy laws have essentially criminalized the very existence of Ahmadi Muslims.

Two of the five anti-blasphemy laws explicitly target by name the activities of the Ahmadiyya Muslim Community. These two laws are part of what is known as Martial Law Ordinance XX, which amended Pakistan’s Penal Code and Press Publication Ordinance Sections 298-B and 298-C. For fear of being charged with “indirectly or directly posing as a Muslim,” Ahmadi Muslims cannot profess their faith, either verbally or in writing. Pakistani police destroyed Ahmadi translations of the Qur’an and banned Ahmadi publications, the use of any Islamic terminology on Ahmadi Muslim wedding invitations, the offering of Ahmadi Muslim funeral prayers, and the displaying of the Kalima (the principal creed of a Muslim) on Ahmadi Muslim gravestones. In addition, Ordinance XX prohibited Ahmadi Muslims from declaring their faith publicly, propagating their faith, building mosques or making the call for Muslim prayers. In short, virtually any public act of worship, devotion or propagation by an Ahmadi Muslim can be
treated as a criminal offense punishable by fine, imprisonment or death.

Not surprisingly, having suffered under the anti-blasphemy laws for years, religious minorities in Pakistan have challenged the constitutionality of the anti-blasphemy laws under Article 20 of Pakistan’s Constitution. Unfortunately, however, the anti-blasphemy laws have withstood legal scrutiny.

Just a few years after the laws were passed, the Federal Shariat Court (the highest religious court in Pakistan) was asked to exercise its jurisdiction under Article 203D of the constitution to rule whether or not Ordinance XX was contrary to the injunctions of the Qur’an and Sunnah (practice of Prophet Muhammad). The court, in the case *Mujibur Rahman v. Government of Pakistan*, upheld the validity of Ordinance XX and ruled that parliament had acted within its authority to declare Ahmadi Muslims as non-Muslims. Ordinance XX, the court maintained, merely prohibited Ahmadi Muslims from “calling themselves what they [were] not,” namely Muslims.

On July 3, 1993, the Supreme Court of Pakistan dismissed eight appeals brought by Ahmadi Muslims who were arrested under Ordinance XX and Section 295-C. The collective complaint in the case, *Zaheerudin v. State*, was that the 1984 Ordinance violated the constitutional rights of religious minorities. The court dismissed the complaint on two main grounds. First, the court held that Ahmadi Muslim religious practice, however peaceful, angered and offended the Sunni majority in Pakistan; to maintain law and order, Pakistan would, therefore, need to control Ahmadi Muslim religious practice. Second, Ahmadi Muslims, having been deemed to be non-Muslims by law, could not use Islamic epithets in public without violating company and trademark laws. Pakistan, the court reasoned, had the right to protect the sanctity of religious terms under these laws and the right to prevent their usage by non-Muslims. The court also pointed to the sacredness of religious terms under the shari’a. The remarkable ruling further entrenched the anti-Ahmadi ordinances by giving the government power to freely punish Ahmadi Muslim religious practice as apostasy.

In light of these twin court decisions by the highest judicial bodies in Pakistan, Pakistan’s anti-blasphemy laws remain a legitimate state-approved instrument for persecution of religious minorities. Religious minorities have no further legal recourse within Pakistan to overturn Pakistan’s anti-blasphemy laws.

B. **High-Level Statistics**

Allow me to share some eye-opening statistics:

- Many hundreds of Ahmadi Muslims have been murdered in Pakistan since
it was founded. The past four years have been especially brutal with targeted killings of multiple family members and Ahmadi Muslim doctors, lawyers, religious leaders, businessmen and teachers. In 2010 alone, 99 Ahmadi Muslims were murdered in Pakistan – the deadliest year ever for the Community. This includes the murder of 86 Ahmadi Muslims (and hundreds more injured) on May 28, 2010 in a single attack in Lahore – one of Pakistan’s worst terrorist attacks ever.

- Since 1974, in contravention of their own beliefs, every single Ahmadi Muslim man, woman and child in Pakistan is declared to be “non-Muslim” by constitutional amendment.

- Since 1985, millions of Ahmadi Muslims cannot, by operation of law, fully and freely vote in national and provincial elections, and as of 2002, Ahmadi Muslims are the only religious group excluded from the nation’s joint electorate. Ahmadi Muslims can only vote in Pakistan if they (1) declare themselves to be a non-Muslim; (2) declare the founder of the Ahmadiyya Muslim Community to be an imposter; and (3) add their names to a separate supplementary list.

- To date, 3,943 cases have been registered against Ahmadi Muslims under Pakistan’s anti-blasphemy and anti-Ahmadi laws. Ahmadi Muslims now account for almost 40% of all arrests under Pakistan’s anti-blasphemy laws.

- To date, Pakistani authorities have demolished, set on fire, forcibly occupied, sealed or barred the construction of over 90 Ahmadi Muslim mosques. They have also denied the cemetery burial of at least 41 Ahmadi Muslims and have exhumed after burial the bodies of at least 28 Ahmadi Muslims.¹

C. Recent Incidents of Persecution

To give you a holistic picture of the dire situation for Ahmadi Muslims in Pakistan, I will share a few more incidents of persecution in the past several years. I apologize in advance for their particularly disturbing nature.

Just last week in the Sheikhapura District, on May 13, six Ahmadi Muslims, including Mr. Khalil Ahmad, were arrested on suspicion of having committed

¹ In the most recent case, extremists in Gojra, with the assistance of police, prevented a father from burying his deceased one-and-a-half-year-old daughter in a neighborhood graveyard because the father and his daughter were Ahmadi Muslims. See Express Tribune, “Consecrated Ground: Child Buried After Four Days,” available at: http://tribune.com.pk/story/650632/consecrated-ground-child-buried-after-four-days/ (last visited on May 20, 2014).
blasphemy. Apparently, a shopkeeper had posted insults about Ahmadi Muslims on an Islamic calendar that was posted in his shop. The Ahmadi Muslims asked the shopkeeper to remove the insults, and the shopkeeper registered blasphemy cases against all of them. Mr. Ahmad, along with the other Ahmadi Muslims, were subsequently taken into police custody at the Sharaqpur police station.

Just three days later, on May 16, while Mr. Ahmad was in police custody, a man walked into the police station with a gun. We are told that the gun was concealed in his lunch box. The police let him meet Mr. Ahmad, and the man shot and killed him point blank while inside the police lockup.\(^2\) Reports suggest that he belonged to an Islamic seminary of Ahle Sunnat Wal Jama’at (ASWJ). The Community in Pakistan suspects that the police facilitated the killer’s entry and lethal act. Mr. Ahmad, who was 65-years-old, was killed because of his faith. He is survived by his widow, two daughters and two sons.

Last November, police in Lahore arrested 72-year-old Dr. Masood Ahmad, a Pakistan-British dual national, homeopathic physician and Ahmadi Muslim.\(^3\)

Two men posing as patients visited Dr. Ahmad’s clinic in Lahore and began to ask questions about religion. They used a mobile phone to secretly film him reciting verses from the Holy Qur’an. Subsequently, they called the police in Lahore to arrest Dr. Masood for committing blasphemy and “outraging the religious sentiments of Muslims.” In the mind of the accusers, Dr. Masood’s public recitation of the Holy Qur’an was an unlawful blasphemous act.

Dr. Masood was subsequently arrested, imprisoned and charged for offenses under Section 295-C for “posing as a Muslim.” Significantly, he was denied bail and remained in prison for 65 days despite his age and poor health. Fortunately, an appeals court in Lahore overturned the denial of his bail, and he subsequently managed to escape Pakistan and returned to the United Kingdom.

Between February and March 2012, Master Abdul Qudoos, an Ahmadi Muslim school teacher and president of a local chapter of the Ahmadiyya Muslim Community in Chenab Nagar (a largely Ahmadi town that Ahmadi Muslims refer to as “Rabwah”), was falsely accused in a murder inquiry, arrested by local police, and held incommunicado for 35 days. During this time, senior police officers attempted to get him to sign a statement that falsely implicated leading officials of the Ahmadiyya Muslim Community in the murder. When he refused to lie under


oath, police hung him upside down by his ankles for long periods. They also forced him to lay flat on his back while a heavy wooden roller was rolled over his body. His captors stood on either side making sure he could not escape the torment. He was also subjected to senseless beatings and sleep deprivation. After torturing him, police authorities finally released him on March 26, 2012. Despite receiving medical treatment, Mr. Qudoos died on March 30, 2012, as a result of the injuries he sustained during the police torture. He is survived by his wife and four children. To date, authorities suspended six police officers but made no arrests in connection with Mr. Qudoos’ murder.

In late January of 2012, some 5,000 people, including religious extremists and representatives from trade unions, gathered outside an Ahmadi Muslim mosque in Rawalpindi calling for the mosque’s demolition and a ban of Ahmadi Muslim activities. At the rally, many protesters could be heard referring to Ahmadi Muslims as “wajib ul qatl” or “worthy of being killed.” Local police authorities had failed to take affirmative measures to adequately safeguard Ahmadi Muslims or their mosque.

In June of 2011, the All-Pakistan Students Khatam-e-Nabuwait Federation widely distributed shocking anti-Ahmadi pamphlets in Faisalabad—one of Pakistan’s largest cities. The pamphlets explicitly encouraged the outright assassination of a select group of Ahmadi Muslim industrialists, doctors and businessmen—who were listed by name and address and labeled as “wajib ul qatl” or “worthy of being killed.” The pamphlets explicitly noted that an act of murder against an Ahmadi Muslim on the list would be deemed to be a “virtue” and a “blessing.” When Ahmadi Muslim leaders brought the horrific content of the pamphlets to the attention of Faisalabad police authorities, the authorities refused to investigate or intervene. As a result, thousands of Ahmadi Muslims in Faisalabad continue to live a in a state of perpetual fear with no adequate police protection. For example, the President of the Ahmadiyya Muslim Community in Faisalabad barely survived an assassination attempt by unidentified gunmen.

D. Recurring Patterns

Mr. Chairman, each of these incidents illuminates a few concerning patterns of persecution against Ahmadi Muslim in Pakistan:


• Police at the provincial and local levels routinely fail to provide adequate protection and safeguards for vulnerable Ahmadi Muslims, despite receiving adequate notifications and warning of imminent threats. In some extreme cases, police are complicit in the persecution, torture and ultimate murder of Ahmadi Muslims.

• Ahmadi Muslim professionals, including physicians, lawyers and teachers, are particularly targeted by extreme terrorist groups.

• The perpetrators of deadly attacks on Ahmadi Muslims are rarely arrested and charged for their criminal acts, and in some cases, are permitted to act with impunity and even given legal sanctuary and safe havens.

• Frivolous blasphemy cases are routinely registered against Ahmadi Muslims as a means to settle personal scores and business rivalries.

III. IMPORTANCE OF U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Against this troubling backdrop of persecution of Ahmadi Muslims in Pakistan, the International Religious Freedom Act of 1998 has proven to be a critical piece of legislation for our Community. The Act has helped to raise awareness within those countries in which Ahmadi Muslims, and indeed all religious minorities, face persecution, as well as in the United States, where organizations like the U.S. Commission for International Religious Freedom have advocated for the release of Ahmadi Muslim prisoners of conscience and the protection of their rights to practice their faith freely, and without fear of government or extremist reprisal.

In my last few minutes, I would like to explain how the U.S. Commission on International Religious Freedom, in particular, has been a source of tremendous assistance for our Community.

First, USCIRF, supported by a highly knowledgeable and dedicated staff, has consistently monitored and reported on the deteriorating conditions of religious liberty for Ahmadi Muslims in the Islamic world. Each year, the Commission publishes an annual report, which is prepared through painstaking research and verification. As a religious freedom advocate and international human rights lawyer, I am acutely aware of how difficult it is to obtain accurate and reliable information about abuses committed by governments and other actors that operate under the cover of secrecy. Thus, advocates and practitioners place singular dependence on USCIRF’s annual report as a source of detailed and verified information about infringements of religious liberty. For instance, the Commission’s 2014 Annual Report carefully documents instances of targeted
sectarian violence against Christians, Hindus and Ahmadi Muslims in Pakistan. It further details what it labels “the unique legal repression of Ahmadis” in Pakistan, including disfiguration of Ahmadi mosques, the desecration of Ahmadi graves, and the disenfranchisement of Ahmadi voters.

Second, USCIRF has proved immeasurably valuable in raising awareness about particular cases of acute concern for Ahmadi Muslims. By way of example, earlier this spring the Commission, led by Chairman Dr. Robert George, urged President Obama during his visit to Saudi Arabia to raise religious freedom concerns and call for the release of prisoners of conscience. USCIRF specifically urged the President to press King Abdullah to release two Saudis, Sultan and Saud Al-Enezi, detained by that country’s government for over two years, for becoming members of the Ahmadiyya Muslim Community in Saudi Arabia. As the case of the Ahmadi Muslim detainees in Saudi Arabia illustrates, USCIRF’s independence allows it to shine a spotlight on abuses of religious freedom, even when other organs of our government may feel constrained by considerations of foreign policy or national security.

Similarly, USCIRF official delegations play an invaluable role in raising issues of religious liberty directly with foreign officials. Just recently, a USCIRF delegation visited Kazakhstan, where it met with both Kazakh government officials and religious communities to understand better the deteriorating climate for religious freedom in that country. As USCIRF noted in its 2014 Annual Report, Kazakhstan has used its restrictive 2011 religion law to deny religious groups, including Ahmadi Muslims, legal status.

Third, USCIRF consistently sees the big picture and formulates incisive policy recommendations designed to safeguard both religious liberty and broader U.S. policy goals. USCIRF has long been on the forefront of highlighting the association between lack of religious freedom and the presence of violent religious extremism. In Pakistan, the Commission notes in its most recent annual report, the government’s enforcement of the blasphemy laws and related legislation fuel extremist violence threatening all Pakistanis, but particularly Christians and Ahmadi Muslims. USCIRF’s findings and recommendations flow from its tireless work on the ground. For example, Commissioners and staff routinely travel to Pakistan and other hotspots to meet firsthand with those vulnerable religious communities that are suffering from infringement of their religious liberty.

In conclusion, let me say that the primary source of our Community’s persecution is religious extremists who espouse a militant perversion of Islam. Our Community strongly believes that all such religious extremism must be cut at its root, and we welcome any and all efforts by the U.S. Government and U.S. Congress to redress global restrictions to international religious freedom. We
particularly welcome the leadership of U.S. Representatives Frank Wolf (R-VA) and Jackie Speier (D-CA), Co-Chairs of the newly formed Ahmadiyya Muslim Caucus in the 113th Session of U.S. Congress.

The International Religious Freedom Act, and the U.S. Commission that it has created, provide vital safeguards to protect fundamental universal human rights and redress gross human rights violations in countries of particular concern. Our Community whole-heartedly supports all efforts to sustain and perpetuate the Act’s original mandate. Our Community stands ready to assist in this process.

Thank you.
Short Biography

Amjad Mahmood Khan is litigation counsel at a prominent global law firm, a post-graduate research fellow at Harvard Law School and President of the Ahmadiyya Muslim Lawyers Association USA.

Mr. Khan’s practice focuses on complex business and commercial litigation, with emphasis on disputes related to contracts, business torts, intellectual property, insurance and unfair competition. His clients have included a range of high-profile corporations, executives and organizations, including financial firms, major airlines, sports and entertainment entities and religious establishments.

Mr. Khan graduated summa cum laude from Claremont McKenna College in 2001 with degrees in English Literature and Government and was a member of Phi Beta Kappa and awarded “Student of the Year” as a senior. His thesis, “Fighting Extremism in Islam,” earned departmental honors. In 2004, he earned a “Juris Doctor” (J.D.) degree from Harvard Law School, where he served as Editor-in-Chief of the Harvard Human Rights Law Journal and as a teaching assistant to Professor Scott Brewer (Contracts, Jurisprudence). He is a former judicial clerk to the late Honorable Warren J. Ferguson, Senior Circuit Judge for the United States Court of Appeals for the Ninth Circuit.

In addition to his commercial litigation practice, Mr. Khan devotes thousands of hours to pro bono matters. He has specific experience in asylum and refugee law, deportation defense and legal aid to disaster victims. He has first chaired over two dozen successful immigration and asylum matters in the U.S. and has represented hundreds of refugees escaping religious persecution abroad. He has traveled to the Middle East and South Asia to provide free legal support to prisoners of conscience. He frequently briefs the U.S. State Department and U.S. Commission on International Religious Freedom on his work to defend international religious freedom in the Islamic world. He has served as an expert witness for asylum cases involving oppressed religious minorities. He has testified three times before the Tom Lantos Human Rights Commission at the U.S. House of Representatives about the persecution of religious minorities in the Islamic world. He has received numerous awards and accolades for his pro bono work, which includes sharing the 2012 Muslim Advocates Thurgood Marshall Award for authoring an amicus brief for the U.S. Court of Appeals for the Federal Circuit in defense of the civil liberties of an American Muslim.

Some of his notable pro bono achievements include:

- counsel in an appellate asylum representation for an Egyptian Coptic Christian; petition for review was granted by the 9th Circuit

- counsel in an affirmative asylum representation for an Ahmadiyya Muslim from Indonesia in a case of first impression for the persecuted group; asylum was granted at the interview stage
counsel in an affirmative asylum representation for a Jewish man from Iran; asylum was granted at the interview stage

counsel in an affirmative asylum representation for the daughter of an Ethiopian actor and playwright; asylum was granted at the interview stage

counsel in an asylum representation for an activist/journalist from Columbia; asylum was granted at the trial level

counsel in an affirmative asylum representation for a juvenile immigrant from Honduras; asylum was granted at the interview stage

counsel for Humanity First, USA to manage a grant connected to the Qatar Katrina Fund; legal work led to the rebuilding of six mosques and schools in the Greater New Orleans

counsel for Humanity First, USA to manage a cross-border water filtration purchase agreement; legal work created access to clean and sanitary water for 1.26 million people in the earthquake-affected regions of Pakistan

Mr. Khan is a frequent lecturer on topics concerning international religious freedom in the Islamic world, with particular expertise on international human rights law and policy. He has lectured at several leading academic institutions, including Stanford Law School, Harvard Law School, Harvard Divinity School, Carnegie Mellon University, Claremont McKenna College, University of California Berkeley, Southern Methodist University and the State University of New York at Buffalo. His writings have appeared in a variety of prominent journals and newspapers, including the Harvard Human Rights Law Journal, Georgetown Journal of International Affairs, Richmond Journal of Global Law and Business, Wall Street Journal, Washington Post, Los Angeles Times, Christian Science Monitor and New York Daily News. His interviews have appeared in a variety of prominent media outlets, including Al Jazeera and NPR. He has testified before the Committee on Oversight and Government Reform at the U.S. House of Representatives on the Government’s record on implementing the International Religious Freedom Act.

For three consecutive years, Mr. Khan has been named a “Southern California Super Lawyer Rising Star” by Law & Politics and Los Angeles magazines (2012-2014) – an honor award to 2.5% of California attorneys under 40 years of age.